



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

October 7, 2020

Mr. Nash Long
Hunton Andrews Kurth LLP
101 S. Tryon Street Bank of America Plaza, Suite 3500
Charlotte, NC 28280

Re: Freedom of Information Act Request No. EPA-R7-2020-006508, Clarification Letter

Dear Mr. Long:

Thank you for your Freedom of Information Act request. This letter concerns the above referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA or Agency) on July 29, 2020. In your request you seek:

"On January 18, 2017, EPA Region 7 Administrator Mark Hague signed a prepublication proposed rule titled "Approval and Promulgation of Air Quality Implementation Plans; Nebraska Regional Haze Federal Implementation Plan; Reconsideration." A copy of the prepublication proposed rule is attached. Page 27 of the prepublication proposed rule cites a Technical Support Document (TSD). This is a request for a complete copy of the TSD, including all Appendices, attachments, any Excel spreadsheets, figures, etc. The prepublication proposed rule reads that the docket number is EPA-R07-OAR-2017-0039."

I. Clarification

On October 7, 2020, Angela Stillwagon called to speak with you about your request. As indicated in 40 C.F.R. § 2.102(c), we discussed specific information about the records you seek, including whether you seek records that may contain Confidential Business Information (CBI) and a more detailed description of the records sought. You provided additional details about your request. During the call we discussed the following clarifications:

1. Subject Matter:

- a. Technical Support Document (TSD)
 - i. Requester seeks the TSD referenced in prepublication prepared by the EPA in support of a proposed rule.
 - 1. This includes appendices, attachments, any Excel spreadsheets, or figures as a part of the TSD.
- b. CBI documents
 - i. In an email sent on October 6th, 2020 the requester stated the request does not seek anything that has been designated as confidential business information. The requester confirmed again over the phone today he did not want anything related to CBI.

- c. Nebraska Public Power District (NPPD) 114 Response
 - i. The requester does not want anything related to the NPPD 114 response. Rather, the TSD document that would have been the analysis the agency did or relied upon regarding the proposed rule.

On October 7th, you confirmed the scope of this request is accurate.

II. Extension of Time and Processing of Request

EPA has initiated the search and review of potentially responsive records in our files. EPA will need to coordinate with relevant Subject Matter Experts on the release of any responsive materials. During today's call, EPA requested an extension of time of 30 business days to be able to complete this request. This extension of time was agreed upon by the requester. The EPA estimates a completion date of November 20th, 2020.

III. Next Steps

The processing clock has been restarted for your request. EPA estimates a completion date of November 20th, 2020. During this time, we will continue to review and process your request. Please note, this estimated completion date may be subject to change, and as discussed, we will reach out to you again to provide you with an update and discuss any questions you have.

You may contact Angela Stillwagon by phone at (913) 551-7707 or email stillwagon.angela@epa.gov for additional questions or to arrange a time to discuss the request.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684- 6448; or fax, (301) 837-0348.

Sincerely,

Angela Stillwagon
Attorney
Office of Regional Counsel